



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,284	10/04/2005	Takayuki Ikai	053466-0408	2058

22428 7590 04/17/2007
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

WALCZAK, DAVID J

ART UNIT	PAPER NUMBER
----------	--------------

3751

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/552,284

Applicant(s)

IKAI ET AL.

Examiner

David J. Walczak

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 10-12 and 14-17 is/are allowed.
- 6) ☒ Claim(s) 5-9 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/4/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Abstract

The abstract of the disclosure is objected to because phrases that can be implied, such as "According to the present invention" and "is provided" should not be present therein. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

Claims 5-9 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claims 5 and 6, it is unclear as to whether or not the poly-a-olefin claimed therein is intended to further limit the poly-a-olefin already claimed in claim 1, or introduce a second poly-a-olefin (page 9 of the specification indicates that either one or more than one poly-a-olefin can be used to make the follower). It appears that claims 5 and 6 are attempting to further limit the already claimed poly-a-olefin recited in claim 1 (otherwise it would be unclear as to how a first poly-a-olefin can make up 80% of the composition, as defined in claim 1, while a second poly-a-olefin can make up 98% (claim 5) or 90% (claim 6) of the composition). Should this be the case, claims 5 and 6 should be amended to read "wherein said poly-a-olefin...".

In regard to claim 7, it is unclear as to whether or not the poly-a-olefin claimed therein is intended to further limit the poly-a-olefin already claimed in claim 1, or

Art Unit: 3751

introduce a second poly-a-olefin. Should this claim be intended to introduce a second poly-a-olefin, it is unclear as to how one poly-a-olefin can make up 80% of all components (claim 1) while a second poly-a-olefin can make up 50% of all components (claim 7). Should this claim be intended to further limit the poly-a-olefin already defined in claim 1, it is unclear as to how the poly-a-olefin can be defined as making up 80% of more of the components (claim 1) and 50% or more of all of the components (claim 7).

In regard to claim 8, it is unclear as to whether or not the poly-a-olefin claimed therein is intended to further limit the poly-a-olefin already claimed in claim 7, or introduce another poly-a-olefin. It appears that claim 8 is attempting to further limit the already claimed poly-a-olefin recited in claim 7. Should this be the case, claim 8 should be amended to read "wherein said poly-a-olefin...".

In regard to claim 9, it is unclear as to whether or not the poly-a-olefin claimed therein is intended to further limit the poly-a-olefin already claimed in claim 8, or introduce another poly-a-olefin. It appears that claim 9 is attempting to further limit the already claimed poly-a-olefin recited in claim 8. Should this be the case, claim 9 should be amended to read "wherein said poly-a-olefin...".

In regard to claim 13, an antecedent basis for "the concentration of water" has not been defined.

Allowable Subject Matter

Claims 1-4, 10-12 and 14-17 are allowed.

Art Unit: 3751

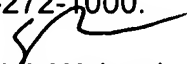
Claims 5-9 and 13 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, 2nd paragraph.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Asami and Asami et al. references are cited for disclosing other followers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Walczak whose telephone number is 571-272-4895. The examiner can normally be reached on Mon-Thurs, 6:30- 5:00.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


David J. Walczak
Primary Examiner
Art Unit 3751

DJW
4/12/07